

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

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NEAL MCMAHON  
1804 LaFond Street  
St. Paul, MN 55104

JARROD ANDERSON  
2416 Mendelsson Lane  
Golden Valley, MN 55427

MAGGIE GRAY  
7059 Upper 164th Street, W.  
Rosemount, MN 55068

CAMILLA WOLKERSTORFER  
2411 Floral Drive  
White Bear Lake, MN 55110

KEVIN HUGHES  
16835 Patricia Lane  
Minnetonka, MN 55345

DANIEL GREY  
2730 Ambassador Drive  
Ypsilanti, MI 55068

Plaintiffs.

v.

DELTA AIR LINES, INC.,  
1030 Delta Blvd.  
Atlanta, Georgia 30320

Defendant.

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Civ. Action No.: 11-cv-521

## **MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Rule 65(a) and (b) of the Federal Rules of Civil Procedure, Plaintiffs, Neal McMahon, Jarrod Anderson, Maggie Gray, Kevin Hughes, and Daniel Grey, respectfully apply to this Court for a preliminary injunction ordering Defendant Delta Air Lines, Inc. (“Delta”) to cease and desist from withholding certain pay from Plaintiffs based solely on their prior union status, to cease and desist from conditioning the cessation of disparate treatment on the conduct of Plaintiffs’ previous certified bargaining representative, and ordering Delta to compensate flight attendants for wages that they would have received had they not been discriminated against on the basis of prior union status. Fed. R. Civ. P. 65.

Delta’s discriminatory pay practices clearly violate Plaintiffs’ right under Sections 2, Third and Fourth of the Railway Labor Act, (“RLA” “the Act”), 45 U.S.C. §§ 151-188, to organize and support the unionization of their workplace without employer interference, influence of coercion. 45 U.S.C. §§ 152, Third and Fourth. Delta is punishing Plaintiffs for protected activity and intentionally undermining their ability to organize the necessary support of their coworkers to form a union

Moreover, this is the rare situation where the granting of a preliminary injunction would be in the interest of all parties concerned – the Plaintiffs, the Defendant, and the public. Unless the requested injunction is issued, the Defendant will continue to discriminate against previously represented flight attendants and coercively inhibit union organizing. Overtime, this will irreversibly erode support for labor unions and thereby permanently interfere with Plaintiffs’ rights. Additionally, the instant injunction would

accomplish Defendant's stated goal to align pay, benefit, and work rules for all flight attendants. Finally, injunctive relief furthers the public interest, as established by the RLA, in guaranteeing employees the right to support and join unions without fear of employer interference, influence or coercion.

WHEREFORE, Plaintiffs request that the Court enter an order (1) compelling the Defendant to align the compensation structure for the flight attendants without regard to pre-merger status; (2) enjoining the Defendant from conditioning payments on AFA's withdrawal of its interference charge; and (3) compelling Defendant to award back-pay compensating flight attendants for the lower wages and profit-sharing bonus that they have received on the basis of their pre-merger status.

Respectfully submitted,

/s/ Michael W. Unger

Michael W. Unger (131416)  
Wells Fargo Center  
90 South Seventh Street, Suite 4700  
Minneapolis MN 55402  
(612) 336-7730  
Fax: (612) 339-6686

Robert S. Clayman (DC 419631)  
Carmen R. Parcelli (DC 484459)  
Guerrieri, Clayman, Bartos & Parcelli P.C.  
1625 Massachusetts Avenue, N.W., Suite 700  
Washington, DC 20036  
(202) 624-7400  
Fax: (202) 624-7420

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Counsel for Plaintiffs